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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 TOMMIE LEE MCDOWELL, JR.,  
11 #43340

12 Plaintiff,

13 vs.

14 RICHARD RIMINGTON, *et al.*,

15 Defendants.  
16

3:12-cv-00249-RCJ-WGC

**ORDER**

17 Plaintiff, who is in the custody of the Nevada Department of Corrections, has submitted  
18 a civil rights complaint pursuant to 42 U.S.C. § 1983. Based on the financial information provided, the  
19 court finds that plaintiff is unable to prepay the full filing fee in this matter. Therefore,

20 **IT IS ORDERED** as follows:

- 21 1. Plaintiff's second application to proceed *in forma pauperis* (ECF #9) is **GRANTED**;  
22 however, plaintiff must pay an initial partial filing fee of \$59.31 toward the full filing fee  
23 of three hundred fifty dollars (\$350.00). Plaintiff shall have thirty (30) days from the  
24 date this order is entered in which to have the designated fee sent to the Clerk of the  
25 Court. Failure to do so may result in dismissal of this action. In the event that this action  
26 is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

- 1           2.       The movant herein is permitted to maintain this action to conclusion without the  
2               necessity of prepayment of any additional fees or costs or the giving of security therefor.  
3               This order granting leave to proceed *in forma pauperis* shall not extend to the issuance  
4               of subpoenas at government expense.
- 5           3.       The Clerk of the Court shall **SEND** plaintiff two copies of this order. Plaintiff is ordered  
6               to make the necessary arrangements to have one copy of this order attached to the check  
7               in the amount of the designated fee, by sending a copy of the order with the “brass slip”  
8               for the amount of the fee to Inmate Services for the Nevada Department of Corrections.
- 9           4.       Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall pay to  
10              the Clerk of the United States District Court, District of Nevada, 20% of the preceding  
11              month’s deposits to plaintiff’s account (inmate #43340), in the months that the account  
12              exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The Clerk  
13              of the Court shall **SEND** a copy of this order to the Finance Division of the Clerk’s  
14              Office. The Clerk shall also **SEND** a copy of this order to the attention of the Chief of  
15              Inmate Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City,  
16              NV 89702.
- 17          5.       The Clerk shall electronically **SERVE** a copy of this order, a copy of the court’s  
18              Screening Order (ECF #3 ) and a copy of plaintiff’s complaint (ECF #4) on the Office  
19              of the Attorney General of the State of Nevada, attention Pamela Sharp.
- 20          6.       Subject to the findings of the screening order (ECF No. 3), within **twenty-one (21) days**  
21              of the date of entry of this order, the Attorney General’s Office shall file a notice  
22              advising the court and plaintiff of: (a) the names of the defendants for whom it accepts  
23              service; (b) the names of the defendants for whom it does not accept service, and (c) the  
24              names of the defendants for whom it is filing last-known-address information under seal.  
25              As to any of the named defendants for which the Attorney General’s Office cannot accept  
26              service, the Office shall file, under seal, the last known address(es) of those defendant(s)

1 for whom it has such information.

- 2 7. If service cannot be accepted for any of the named defendant(s), plaintiff shall file a  
3 motion identifying the unserved defendant(s), requesting issuance of a summons, and  
4 specifying a full name and address for the defendant(s). For the defendant(s) as to which  
5 the Attorney General has not provided last-known-address information, plaintiff shall  
6 provide the full name and address for the defendant(s).
- 7 8. If the Attorney General accepts service of process for any named defendant(s), such  
8 defendant(s) shall file and serve an answer or other response to the complaint within  
9 **sixty (60) days** from the date of this order.
- 10 9. Henceforth, plaintiff shall serve upon defendant(s) or, if an appearance has been entered  
11 by counsel, upon their attorney(s), a copy of every pleading, motion or other document  
12 submitted for consideration by the court. Plaintiff shall include with the original paper  
13 submitted for filing a certificate stating the date that a true and correct copy of the  
14 document was mailed to the defendants or counsel for the defendants. If counsel has  
15 entered a notice of appearance, the plaintiff shall direct service to the individual attorney  
16 named in the notice of appearance, at the address stated therein. The court may disregard  
17 any paper received by a district judge or magistrate judge which has not been filed with  
18 the Clerk, and any paper received by a district judge, magistrate judge, or the Clerk  
19 which fails to include a certificate showing proper service.

20 **IT IS SO ORDERED.**

21 DATED: October 1, 2012.

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24 UNITED STATES MAGISTRATE JUDGE